

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-290 (SUB-NO. 212X) And DOCKET NO. AB 55 (584X)

**NORFOLK SOUTHERN RAILWAY COMPANY AND CSX TRANSPORTATION, INC.-
DISCONTINUANCE EXEMPTIONS-IN HUDSON COUNTY, NEW JERSEY**

BACKGROUND

In this proceeding, the Norfolk Southern Railway Company (NS) and CSX Transportation, Inc. (CSX) filed a petition under 49 U.S.C. 10502 seeking exemptions from the requirements of 49 U.S.C. 10903 in connection with the discontinuance of rail service on the Weehawken Branch (3.84 miles) and the River Line (6.95 miles), and associated trackage in Hudson County, New Jersey. These proceedings are not consolidated. The environmental impacts associated with the two segments are being considered together because the segments are operated as a single line. The line is part of the New Jersey Shared Assets Area operated by Consolidated Rail Corporation (Conrail) for CSX and NS over which both companies have operating rights.¹

This petition is related to Applications for Abandonment filed by Conrail in Docket Number AB-167 (Sub-No. 766N) and Docket Number AB-167 (Sub-No. 1067N), to abandon the affected line of railroad pursuant to Section 308(c) of the Regional Rail Reorganization Act of 1973 (NERSA).² These dockets are still pending before the Board because Cognis, one of the lines' two active shippers, filed an Offer of Financial Assistance on February 12, 2001.

On March 13, 2001, the Board served a decision denying a motion to dismiss the Conrail abandonment applications filed by Cognis and directed NS to file supplemental evidence and an environmental report in this proceeding. In a decision served March 22, 2001, the Board extended the due date for this filing and a similar filing in the related Docket of AB-55 (Sub-No. 584), CSX Transportation, Inc. - Discontinuance Exemption - In Hudson County, NJ to May 4, 2001. This filing is in response to the Board's orders.

¹In STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc. (CSX)Norfolk Southern Corporation and Norfolk Southern Railway Company (NS)—Control and Operating Leases/Agreements—ConrailInc. and Consolidated Rail Corporation, the Board approved the control of Conrail by CSX Corporation and Norfolk Southern Corporation, and approved the creation of certain “Shared Assests Area,”to be operated by Conrail pursuant to approved Shared Assests Operating Agreements. Under the operating agreements, CSXT and NS were given “operating rights” over the Shared Assests Areas.

²Generally, under NERSA Conrail receives automatic authority to abandon lines for which it previously filed timely Notices of Insufficient Revenue.

DESCRIPTION OF THE LINE

The line consists of two segments now operated as a single line: a part of Consolidated Rail Corporation's (Conrail) Weehawken Branch, from its point of switch in Jersey City at approximately Milepost 0.0, to the southerly right-of-way line of Baldwin Avenue, in Weehawken Branch, from its point of switch in Jersey City at approximately Milepost 2.84, including the former DL&W Railroad Lead to Hoboken Freight Yard in Jersey City, totaling approximately 3.84 miles in length; and a part of Conrail's River Line, consisting of (a) the line of railroad from the connection to the Passaic and Harismus Branch at CP "Waldo" in Jersey City at approximately Milepost 0.0, to the south side of Clifton Road in Weehawken at approximately Milepost 4.7, including the River Yard, (b) the line of railroad from the south side of Clifton Road in Weehawken at approximately Milepost 0.0 to the northwest side of Tonnelle Avenue (but excluding the that portion of the line, associated trackage and underlying right-of-way to retain access and continue service to Durkee Foods), at approximately Milepost 1.53, in North Bergen, (c) the National Docks Secondary in Jersey City, from its connection with the River Line at CP "Nave" to the east side of Neward Avenue, a distance of approximately 1,350 feet, and (d) the Weehawken Branch (Chicken Yard) in Weehawken, from its connection to the River Line on the east side of Willow Avenue to the end of track, a distance of approximately 2,450 feet. Due to changes in track alignments and operations, these tracks have been reconfigured and are now operated as a single line of approximately 10.79 track miles. When parallel and adjacent tracks are taken into account, the distance between the end points at North Bergen and Jersey City is 6.23 route miles. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to discontinue service on the line.

REASON FOR DISCONTINUANCE OF OPERATIONS

Applicants state that discontinuance is sought because the line is operated at a loss and its owner, New Jersey Transit, desires to use the property for other public purposes, commuter rail passenger operations. Applicants seek to discontinue service on the line to aid the abandonment of the line by Conrail.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the discontinuance of service. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have contacted appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed discontinuance. Contacts have included City of New Jersey Planning Board, USDA Natural Resources Conservation Service, City of Hoboken Planning Board, United States Environmental Protection Agency, United States Fish and Wildlife Service, United States Army Corps of Engineers, National Park Service, National Geodetic Survey, New Jersey Department of Transportation-Railroad Section, New Jersey Division of Fish and Wildlife, New Jersey Department of Environmental Protection, Town of Weehawken Planning Board, Hudson County Planning Board, New Jersey Office of State Planning, Mayor of North Bergen and Mayor of Union City.

TRANSPORTATION

Although NS has not physically conducted train operations in local service over the line pursuant to its operating rights, it publishes rates and maintains stations for the customers on the line pursuant to its rights under the Shared Assets Operating Agreement for North Jersey. Traffic to and from customers on the line is handled in either NS's or CSX name. Physical train operations on the line have been conducted by Conrail as agent of NS or CSX pursuant to the Shared Assets Operating Agreement for North Jersey.

Traffic on this line consisted of 42 carloads in 1999, 39 carloads in 2000 (31 via NS) and three carloads so far in the first four months of 2001. Applicant states that there is no potential for increased traffic due to the introduction of the light rail passenger service. This data indicates that impacts resulting from diversion of this traffic to highways paralleling the affected line should be minimal. Commodities transported over the line include lumber and chemicals, specifically fatty alcohols and cleaning compounds.

BIOLOGICAL RESOURCES

The US Fish and Wildlife Service has indicated that various endangered species are known to occur in the State of New Jersey. However, the right-of-way is located within a highly industrialized urban area and endangered species have most likely been previously disturbed. NS does not own the track or underlying right-of-way and will not remove any railroad appurtenances or conduct salvage operations. Discontinuance of service is unlikely to result in any adverse impacts on ecological resources in the area.

HISTORIC PRESERVATION

Applicants are only seeking discontinuance of service over the line and will not salvage, dispose of or alter any properties on the line. All properties on the line are owned by the New Jersey Transit Authority (Transit Authority).

The New Jersey State Historic Preservation Officer, during a review of the Hudson-Bergen Light Rail Transit System project (light rail passenger service) determined that Weehawken Railroad Tunnel (formerly known as the West Shore Railroad Tunnel) is eligible for inclusion in the National Register of Historic Places. In that case, the Transit Authority, the Federal Transit Administration and the SHPO signed a Memorandum of Agreement (MOA) and concluded that the project subject to certain conditions would not have an adverse impact on the tunnel. As a condition in the MOA, the SHPO required the Transit Authority to document to Historic American Engineering Record Standards the Weehawken Tunnel. A copy of the MOA is appended to this Environmental Assessment. However, because no structures 50 years or older will be disturbed, including the Weehawken Tunnel, the Board finds that the proposed discontinuance of service would not adversely affect any historic properties.

CONDITIONS

We recommend that no environmental conditions be placed on any decision granting discontinuance authority.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, discontinuance of service on the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed discontinuance would include denial (and, therefore, no change in operations) or continued operation by another operator. In this case, the existing quality of the human environment and energy consumption should not be affected.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Phillis Johnson-Ball who prepared this environmental assessment. **Please refer to Docket NO. AB-290 (SUB-NO. 212X) and NO. AB 55 (584X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: July 3, 2001

Comment due date: August 6, 2001

By the Board, Victoria Rutson, Acting Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

MAPS AND ATTACHMENTS TO BE SCANNED